

Weekly Federal Register Summary

Week of 1/11/2004

Prepared By
Naval Facilities Engineering Service Center
Code 42

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Introduction

About the Report:

This weekly federal regulatory summary contains summaries of Federal Register notices and other information and is provided as a service of Naval Facilities Engineering Service Center, Port Hueneme, CA for various Navy and Marine Corps environmental personnel. Content is screened to include environmental and health/safety items specifically relevant to the Navy/Marine Corps or of broad general relevance to DOD.

Meetings -

Meeting cancellations and date changes appear only in the Upcoming Meetings section; they are not re-entered in the Summary of Issues.

Subscription:

Interested DOD personnel may receive a free weekly e-mail of this report. To subscribe or unsubscribe, log on to <http://regscreen.nfesc.navy.mil/htm/Subscribe.htm>. Contractors can be added to distribution if endorsed by their DOD contract representative via e-mail to us at regdesk@nfesc.navy.mil. Include the DOD representative's name, e-mail, phone number, job title, command, and address and your e-mail, phone number, company, and contractual responsibility area. If you have problems, or need assistance please contact us at regdesk@nfesc.navy.mil or 805/982-1276.

Web Database:

A companion website is available at <http://regscreen.nfesc.navy.mil> (access limited to .mil domains) where you can find and retrieve items from past issues of the Weekly Regulatory Summary, or get an overview of upcoming regulations.

Feedback:

We have made every effort to ensure that the information provided is accurate and that all significant regulatory actions have been included. If you believe that an important issue has been omitted from this report or that the information is incorrect, please contact us at 805/982-1276 or 805/982-2640, or via e-mail at regdesk@nfesc.navy.mil. Suggestions for improvement are also appreciated.

If you have specific concerns or would like to provide information to support Navy/DOD impacts from identified issues, please forward an e-mail detailing your comments. Please include the title and date of the issue. We may be contacted at: regdesk@nfesc.navy.mil or call 805/982-1276.

Summary of Issues

1. CAA

Amendments to Standards of Performance for New Stationary Sources; Monitoring Requirements	Date: 1/12/2004
Action Type: Final Rule	Cite: 69 FR 1785
Summary: EPA has issued a final rule releasing Performance Specification 11 (PS-11): Specifications and Test Procedures for Particulate Matter Continuous Emission Monitoring Systems at Stationary Sources, and Procedure 2: Quality Assurance (QA) Requirements for Particulate Matter Continuous Emission Monitoring Systems at Stationary Sources. PS-11 provides initial installation and calibration procedures to confirm the acceptability of a particulate matter continuous emission monitoring systems (PM CEMS) when it is installed and placed into operation. Because the type and characteristics of PM vary from source to source, a single PM correlation, applicable to all sources, is not possible. Therefore EPA is requiring a site-specific correlation of PM CEMS response against manual gravimetric reference method measurements. Procedure 2 establishes the minimum requirements for evaluating the effectiveness of quality control (QC) and quality assurance (QA) procedures and the quality of data produced by particulate matter (PM) continuous emission monitoring systems. Procedure 2 establishes the minimum program; EPA encourages facilities to develop a more extensive QA program, or to continue such programs where they already exist.	
Potential Impact or Relevance: Provided for information only.	CFR References: 40 CFR 60
Further Information: Daniel G. Bivins, Emissions, Monitoring, and Analysis Division, EPA, Research Triangle Park, NC, 919-541-5244, bivins.dan@epa.gov	
Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-5.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/pdf/04-5.pdf	

2. *Climate Change And Energy*

Court Decision: Energy Efficiency Standards for Air Conditioners and Heat Pumps	Date: 1/13/2004
Action Type: Judicial Decision	Cite: Court Decision
Summary: The U.S. Court of Appeals Second Circuit has ruled that the DOE may not loosen energy conservation regulations for air conditioners that were adopted in January 2001 (66 FR 7169). In a final rule (67 FR 36367, 5/23/2002) DOE had taken action to withdraw the previous rule and instead impose a less stringent air conditioner standard what would have raised energy efficiency standards by about 20% above present levels. The January 2001 rule will implement a standard that is about 30% above present levels. The court concluded that DOE acted in violation of the Energy Policy Act 42 USC 6295 which states "Secretary may not prescribe any amended standard which increases the maximum allowable energy use." The court concluded that the date of publication of the rule imposed new energy efficiency standard which may not be relaxed by additional rulemaking.	
Potential Impact or Relevance: This item does not constitute creation of a new legal requirement and may not have validity in all jurisdictions. If you believe this decision may impact your ongoing environmental compliance efforts, you should seek in-house legal advice or contact your chain of command prior to taking any action. No direct impact. Executive Order 13123 requires that Federal Agencies select, where life-cycle-cost-effective, EnergyStar and other energy efficient products when acquiring energy-using products.	CFR References:
Further Information: No contact information provided.	
Full Text Document Location: http://www.oag.state.ny.us/press/2004/jan/jan13b_04_attach.pdf	

3. CWA

Watershed-Based National Pollutant Discharge Elimination System (NPDES) Permitting Implementation Guidance	Date: 12/17/2003
Action Type: Notice, Guidance	Cite: EPA Recent Additions
Summary: EPA has released a final document entitled "Watershed-Based National Pollutant Discharge Elimination System (NPDES) Permitting Implementation Guidance." The purpose of this guidance is to describe the concept of and the process for watershed-based permitting under the National Pollutant Discharge Elimination System (NPDES) permit program. Watershed-based NPDES permitting is an approach to developing NPDES permits for multiple point sources located within a defined watershed. This guidance focuses on defining both the general approach and the process for watershed-based NPDES permitting. The guidance addresses issues related to program implementation, but it does not provide detailed technical information or address procedural and administrative actions related to permit issuance. The document includes a discussion of the following. - Section One provides background information on the concept of watershed-based NPDES permitting and why U.S. Environmental Protection Agency (EPA) is encouraging this approach. - Section Two describes EPA's recommended process for watershed-based NPDES permitting. This process is presented in six steps. - Section Three describes the anticipated benefits and challenges associated with taking a watershedbased approach to NPDES permitting, including case study information where applicable. - Section Four looks ahead to the future of watershed-based permitting and provides a series of resources and references. The Guidance can be found at http://www.epa.gov/npdes/pubs/watershedpermitting_finalguidance.pdf .	
Potential Impact or Relevance: Provided for information only.	CFR References:
Further Information: No contact information provided.	
Full Text Document Location: http://www.epa.gov/npdes/pubs/watershedpermitting_finalguidance.pdf	

4. *Natural and Cultural Resources*

Ballast Water Technology Demonstration Program		Date: 1/16/2004
Action Type: Notice		Cite: 69 FR 2577
Summary: NOAA is soliciting proposals for grant funding to conduct ballast water treatment technology testing and demonstration projects. Federal government agencies are eligible. No cost sharing is required. The Ballast Water Technology Demonstration Program supports projects to develop, test, and demonstrate technologies that treat ships' ballast water in order to reduce the threat of introduction of aquatic invasive species. Technology demonstration proposals must include a long-term development plan that outlines how the technology will be developed from its current state into an effective, commercially viable ballast water treatment system, and how the proposed project is an essential part of this development. NOAA and the Fish and Wildlife Service expect to make available up to about \$2 million in FY 2004, and the U.S. Maritime Administration (MARAD) expects to make available several vessels for use as test platforms. Individuals, institutions of higher education, nonprofit organizations, commercial organizations, Federal, State, local and Indian tribal governments, foreign governments, organizations under the jurisdiction of foreign governments, and international organizations are eligible. Further information is available at the Ballast Water Program Web site: http://www.nsgo.seagrant.org/research/nonindigenous/ballast/		
Potential Impact or Relevance: Provided for information only.		CFR References:
Further Information: Dorn Carlson, NOAA, Silver Spring, MD, 301-713-2435, Dorn.Carlson@noaa.gov		
Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-950.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/pdf/04-950.pdf		

5. *Natural and Cultural Resources*

Meeting of Advisory Committee on Acoustic Impacts on Marine Mammals	Date: 1/15/2004
Action Type: Meeting Announcement	Cite: 69 FR 2363
Summary: The Marine Mammal Commission, Advisory Committee on Acoustic Impacts on Marine Mammals will hold their first meeting, in Bethesda, MD, February 3, 4, and 5, 2004. The Committee's second public meeting is tentatively scheduled for April 28-30, 2004, in Washington, DC. The Omnibus Appropriations Act of 2003 (Pub. L. 108-7) directed that the Commission convene a conference or series of conferences to "share findings, survey acoustic "threats" to marine mammals, and develop means of reducing those threats while maintaining the oceans as a global highway of international commerce." The meeting agenda will include presentations and panel discussions on (1) The basics of sound in the ocean, (2) Sound sources of interest or concern for marine mammals, (3) The uses and characteristics anthropogenic sound in the marine environment, (4) The impacts of sound on marine mammals, and (5) The relevant U.S. governmental authorities. The agenda will also include two public comment sessions and one set of facilitated small-group discussions. Written comments can be submitted at the meeting.	
Potential Impact or Relevance: Provided for information only.	CFR References:
Further Information: Erin Vos, Sound Project Manager, Marine Mammal Commission, 4340 East-West Hwy., Rm. 905, Bethesda, MD 20814, e-mail: evos@mmc.gov , tel.: (301) 504-0087, fax: (301) 504-0099; or visit the Commission Web site at http://www.mmc.gov .	
Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-865.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/pdf/04-865.pdf	

6. *Natural and Cultural Resources*

Decision Not to List the Florida Black Bear as Threatened	Date: 1/14/2004
Action Type: Proposed Rulemaking	Cite: 69 FR 2100
Summary: Fish and Wildlife Service has reexamined a petition to list the Florida black bear under the Endangered Species Act. Based upon this review, the Service has determined that the existing regulatory mechanisms are adequate and do not warrant listing the Florida black bear under the ESA. In addition to having adequate protections from take, in order to conclude that the species is not and will not become threatened, sufficient quantity and quality of bear habitat also must remain available to the four core bear populations at Okefenokee NWR--Osceola NF, Big Cypress National Park, Ocala NF, and Apalachicola NF, and to a lesser extent, at Eglin Air Force Base . The Department of Defense, including the Air Force, must conserve and maintain native ecosystems, viable wildlife populations, Federal and State listed species, and habitats as vital elements of its natural resources management programs on military installations. The natural resource management program at Eglin AFB has complied with applicable mandates and directives and is continuing to provide bear habitat on Eglin AFB today. Although this population is not one of the four core populations that would maintain the species above a Federal listing threshold, these actions help protect bears and maintain significant forested habitats for bears in the panhandle of Florida. The finding announced in this document was made on December 24, 2003.	
Potential Impact or Relevance: Provided for information only.	CFR References: 50 CFR 17
Further Information: Dr. John W. Kasbohm, Jacksonville Ecological Services Field Office, FWS, Jacksonville, FL, 904-232-2580	
Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-690.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/pdf/04-690.pdf	

7. NEPA

Weekly Receipt of Environmental Impact Statements: Johnson Atoll; Griffiss AFB, NY	Date: 1/16/2004
Action Type: Notice	Cite: 69 FR 2593
Summary: The following NEPA documents have been submitted to EPA: DRAFT EIS, UAF, 00, Air Force Mission at Johnston Atoll Airfield (Installation) Termination, Implementation, Johnston Atoll is an Unincorporated Territory of the United States, Comment Period Ends: February 17, 2004, Contact: Patricia J. Vokoun (703) 604-5263. Revision of FR Notice Published on 1/2/2004: Title Correction and Removal of the State of Hawaii from the Record. Johnston Atoll is an Unincorporated Territory of the United States. EIS No. 030586 FINAL EIS, FAA, NY, Adoption-Griffiss Air Force Base (AFB) Disposal and Reuse, Implementation of Federal Aviation Administration's Decisions Relative to Reuse, Oneida County, NY Contact: Marie Janet (516) 227-3811. US Department of Transportation's, Federal Aviation Administration (FAA) has Adopted the U.S. Department of the Air Force's (USAF) FEIS 950534, filed 11/09/1995 and FSEIS 990384, filed 10/15/1999. FAA was a Cooperating Agency on the USAF FEIS and FSEIS. Recirculation of the EISs is not necessary under Section 1506.3(c) of the CEQ Regulations. EIS No. 040012	
Potential Impact or Relevance: Provided for information only.	CFR References:
Further Information: See contact above.	
Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-1050.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/pdf/04-1050.pdf	

8. SDWA

Market Enhancement Opportunities for Water-Efficient Products		Date: 1/16/2004
Action Type: Meeting Announcement		Cite: 69 FR 2595
Summary: EPA will host a one-day public meeting February 17, 2004 in Phoenix, AZ to discuss market enhancement opportunities for water-efficient products. EPA's goal is to bring together stakeholders from Federal, state and local governments; utilities; manufacturers; building trade associations; consumer groups; and other interested parties to exchange information and views on promoting water-efficient products in the marketplace. The focus of the February meeting will be on landscape irrigation products.		
Potential Impact or Relevance: Provided for information only.		CFR References:
Further Information: http://www.epa.gov/owm/water-efficiency/index.htm		
Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-1049.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/pdf/04-1049.pdf		

Upcoming Meetings

General

Science Advisory Board

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-209.htm>

Location	Start Date	Start Time	Duration	Details
Telephone Conference; Eastern Std. Time,	2/6/2004	1:00 PM	1 Day	3MRA
Telephone Conference; Eastern Std. Time,	2/27/2004	1:00 PM	1 Day	3MRA
Telephone Conference; Eastern Std. Time,	2/3/2004	11:00 AM	1 Day	CASAC
Telephone Conference; Eastern Std. Time,	1/20/2004	12:30 PM	3 Days	VPES

EPA National Advisory Council for Environmental Policy and Technology--Compliance Assistance Advisory Committee; Teleconference Meeting

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-212.htm>

Location	Start Date	Start Time	Duration	Details
Telephone Conference; Eastern Std. Time,	2/12/2004	11:30 AM	1 Day	

CWA

Preliminary Effluent Guidelines Program Plan for 2004/2005

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-32214.htm>

Location	Start Date	Start Time	Duration	Details
Washington, DC	1/28/2004	9:00 AM	1/2 Day	

Hazardous Material Transportation

Pipeline Safety: Meetings of the Pipeline Safety Advisory Committees

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-32203.htm>

Location	Start Date	Start Time	Duration	Details
Washington, DC	2/3/2004	9:00 AM	3 Days	

Natural and Cultural Resources

Meeting of Advisory Committee on Acoustic Impacts on Marine Mammals

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-865.htm>

Location	Start Date	Start Time	Duration	Details
Bethesda, MD	2/3/2004	9:00 AM	3 Days	

NEPA

Notice of Intent To Prepare an EIS for the New Mexico Training Range Initiative

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-32015.htm>

Location	Start Date	Start Time	Duration	Details
Portales, NM	1/26/2004	6:00 PM	1 Day	
Fort Sumner, NM	1/27/2004	6:00 PM	1 Day	
Vaughn, NM	1/28/2004	4:00 PM	1 Day	
Roswell, NM	1/29/2004	6:00 PM	1 Day	

Public Hearing for the Draft EIS for Stabilization of In-Water Facilities at Fox Island Laboratory, Fox Island, Washington

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-32105.htm>

Location	Start Date	Start Time	Duration	Details
Fox Island, WA	1/21/2004	6:30 PM	1 Day	

OSHA

Safety Standards for Cranes and Derricks

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-361.htm>

Location	Start Date	Start Time	Duration	Details
Washington, DC	2/4/2004	8:30 AM	3 Days	

OSHA continued

Assigned Protection Factors for Respiratory Protection

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-28357.htm>

Location	Start Date	Start Time	Duration	Details
Washington, DC	1/28/2004	10:00 AM	1 Day	

National Advisory Committee on Ergonomics

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-156.htm>

Location	Start Date	Start Time	Duration	Details
Washington, DC	1/27/2004	8:00 AM	2 Days	

TSCA

Advisory Committee on Childhood Lead Poisoning Prevention

Full Text

<http://a257.g.akamaitech.net/7/257/2422/05jan20040800/edocket.access.gpo.gov/2004/04-42.htm>

Location	Start Date	Start Time	Duration	Details
Baltimore, MD	3/9/2004	8:30 AM	2 Days	